

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4 THE HONORABLE ANDRÉ BIROTTE JR., JUDGE PRESIDING

5
6 UMC CORPORATION, a Japanese
7 corporation,
8 Plaintiff and Counterdefendant,
9 vs. No. CV 15-3764-AB-AJW
10 TSUBURAYA PRODUCTIONS CO., LTD., a
11 Japanese corporation,
12 Defendant and Counterclaimant.

13
14
15 REPORTER'S TRANSCRIPT OF OPENING STATEMENT BY MR. QUINN

16
17 Los Angeles, California
18 Tuesday, November 7, 2017, 1:47 P.M.
19 Day 1 of Jury Trial, Page 1 through 32, Inclusive

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1 LOS ANGELES, CALIF.; TUESDAY, NOVEMBER 7, 2017; 3:44 P.M.

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3 OPENING STATEMENT BY MR. QUINN

4 MR. QUINN: Good afternoon, ladies and gentlemen.

5 As you've heard, my name is John Quinn and we
6 represent the plaintiff in this case Tsuburaya Productions.

7 The defendant in this case , UMC Corporation
8 sometimes referred to as UMC as a piece of photocopy paper
9 that it claims shows a real contract.

10 They say that this piece of photocopy paper grants
11 them worldwide rights to a superhero character named
12 Ultraman including the rights to hundreds of television
13 episodes, two dozen theatrical-- that is motion pictures--
14 and countless items of merchandise created by Tsuburaya
15 Productions over 50 years. Rights in every country on earth
16 except Japan .

17 Quite a piece of paper .

18 We will prove that that piece of paper, that
19 purported contract , is a fake and a forgery that first
20 surfaced in the hands of a man named Sompot, Mr. Sompot
21 man in Thailand who has a criminal conviction, ladies and
22 gentlemen, for submitting false documents to the court .

23 A man who has refused to attend this trial so that
24 you can hear his own explanations concerning this document
25 which he first provided to Tsuburaya 20 years after the date

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4

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1 of the document .

2 We will prove that because this document is a
3 forgery, our opposing party UMC has no rights to distribute
4 our valuable Ultraman works outside of Japan including in
5 the U.S.

6 And we will prove that because UMC has in fact
7 distributed Ultraman works in the U.S. without any right to
8 do so, they have committed copyright infringement .

9 Let me tell you about my client Tsuburaya
10 Productions sometimes referred to as TPC. Tsuburaya
11 Productions is a Japanese company that produces films and
12 television shows for children.

13 It is in a sense , has been for over 50 years , a
14 family business. It was formed by the legendary Japanese
15 director Eiji Tsuburaya following which his son
16 Noboru Tsuburaya and his grandson Kazuo Tsuburaya who is
17 here today and will be here during the trial and you'll hear
18 from him. He'll testify in this case.

19 They each became president of the company after
20 the founder Eiji Tsuburaya. Tsuburaya is a very well-known
21 company in Japan.

22 Eiji Tsuburaya , the founder , is one of the
23 cocreators of "Godzilla"; and in addition to "Godzilla,"
24 Eiji created "Ultraman," the Ultraman characters, motion
25 pictures , and television shows.

(The exhibit was displayed on the screen.)

MR. QUINN: What we have on the screen here is an image from the Ultraman hero from a 1967 television series "Ultraman."

Now, Ultraman is very famous. It's iconic in Japan and in Asia, as popular and as well-known as "Superman" or "Spider-Man" are in the United States.

All the Ultraman characters come from the same planet. This is the theme. They have a common theme, all the TV shows and motion pictures.

They come from the same planet. They come to earth. They help humans fight a variety of different kinds of monsters and you're going to see some of these different monsters.

There are hundreds of Ultraman works and hundreds of characters that exist. The Ultraman hero characters include the original "Ultraman," "Ultra Seven," "Ultra Ace," and "Ultraman Taro." New Ultraman series come out all the time.

These Ultraman movies and shows have been coming out since the 1960s and one came out just this last year called "Ultraman Geed."

Each Ultraman character is a little bit different. They have different powers, different personalities, different appearances; and the monster that they fight are

As you can imagine, over the course of the 50 years creating those hundreds of TV episodes, the different over 20 motion pictures Tsuburaya Productions invested huge amounts of time and resources in creating this work and huge amounts of time and resources in promoting these works outside of Japan and around the world.

Folks from Tsuburaya Productions would go to film festivals around the world, film markets where motion pictures and TV series are sold promoting the Ultraman characters for decades.

We also licensed the Ultraman characters toys, products, and books. We've got some of them on display that we're showing you here. These are Exhibits 2245 to 2291. We've always had this type of Ultraman merchandise that's also been sold.

In other words, Tsuburaya Productions has created a very valuable, over the course of 50 years, character investment and brand in Ultraman.

There will be no dispute that except for one movie that Mr. Sompote made with us, Tsuburaya Productions has made every single Ultraman movie and television program and designed and created every single one of the thousands of characters.

To this day Tsuburaya Productions is continuing to make and distribute Ultraman works around the world.

6

all different. There are something like over 1500 different monsters in the "Ultraman" series.

(An exhibit was displayed on the screen.)

MR. QUINN: We have here --and this will come into evidence and you'll have an opportunity to see it. This is evidence. This is Exhibit 2002. It's a book that shows many of these Ultraman characters and monsters and heroes.

Kids in Japan and in Asia in general know these characters, both the old ones and the new ones. The kids know the theme songs by heart.

There is even an informal national holiday in Japan. It's, I think, July 10th which is observed as Ultraman Day. This is the date when Ultraman was first broadcast on television in Japan.

Now, 2016, last year, was Ultraman's 50th anniversary; and here's a short video. I'm going to show you a part of a video that was created in honor of the 50th anniversary; and it will introduce you to Ultraman and to the classic "Ultraman" series that were recreated in the early '60s and '70s.

Ken, could we just play that clip.

(The videotape was played.)

MR. QUINN: Over 50 years ago in its time this was cutting edge imagery and technology.

8

Hollywood studios actually have approached Tsuburaya Productions to make a new English-language movie.

There's a lot of interest in bringing Ultraman to the West and to the United States and on really promoting it on a global basis.

However, the claim of the defendants in this case that they own all this, that they own the character, that they own all the movies and TV episodes that Tsuburaya Productions has created, that they own it all outside of Japan based on this one single piece of photocopy paper has become a barrier to our ability to introduce this product in the West and in the United States.

It's what's called a cloud on the title to the ownership of Ultraman; and that is the claim that you're here to help us decide.

In June 1995, the president of TPC and Eiji Tsuburaya's son, Noboru Tsuburaya, died unexpectedly. This was a tremendous blow to his family and the company.

He was only 60 years old at the time. Had been the man who helped create and build Ultraman all through the 1970s, 1980s, and 1990s. He grew it into the international success that it was.

You're going to meet and hear from Eiji's grandson and Noboru's son, Kazuo Tsuburaya, who is sitting here at the counsel table with us.

1 You'll also meet several other of our past and
2 present employees who have come from Japan to talk to you in
3 this trial. This include Mr. Morishima, Mr. Ooka, and
4 Mr. Minamitani.

5 Someone who you won't meet in this trial, the
6 central figure who produced this one -page document, is
7 Mr. Sompote.

8 And let me tell you about Mr. Sompote and his
9 companies and also his son Mr. -- his name is Perasit
10 Saengduenchai. Saengduenchai is the name. It's a Thai
11 name -- who you will meet the son but you won't meet Sompote
12 because he won't be here.

13 We'll refer to the son mostly as Mr. Pete, mostly
14 because I have a hard time pronouncing that last name.

15 The defendant in this case is Pete's company
16 called UMC and you'll hear from Mr. Pete in this trial. But
17 what you'll learn through the evidence in this case is that
18 the real opposing party is Mr. Pete's father, Mr. Sompote,
19 Sompote Saengduenchai.

20 We'll call him Mr. Sompote. He also lives in
21 Thailand but you'll not meet him here because he's refused
22 to come.

23 Mr. Sompote and Mr. Noboru Tsuburaya were friends
24 for many years. They worked together on several films
25 including one Ultraman film called "Hanuman" in 1974.

1 He had been president of the company for only a
2 short period of time in May 1996 when Mr. Sompote came from
3 Thailand and showed up in TPC's offices in Tokyo with his
4 son Mr. Pete.

5 Mr. Sompote told Mr. Kazuo a story about his
6 father, Mr. Noboru, a story about things that he said had
7 happened when Mr. Kazuo was fifteen years old boy way back
8 in 1976.

9 When Mr. Sompote came to Mr. Kazuo's office
10 he had a piece of paper in his hand, written in English, that
11 he says was signed by Mr. Noboru, Kazuo's father, way back
12 in 1976, 20 years before.

13 He showed it to us but he wouldn't leave it with
14 us and he would not let us make a copy.

15 *(The exhibit was displayed on the screen.)*

16 MR. QUINN: This is Exhibit No. 4A You'll hear a
17 lot -- you'll see many references to it. It's often
18 referred to in the case as the 1976 document.

19 Mr. Sompote at that occasion in 1996 told
20 Mr. Kazuo that -- he said that in this piece of paper
21 Mr. Noboru, his father, had 20 years before had granted him
22 all the rights to all the Ultraman works that Tsuburaya
23 Productions had created. All of them outside Japan.

24 To say that we were surprised is a mild
25 understatement. No one at our company, ladies and

10

1 Over time, Mr. Noboru and Mr. Sompote drifted
2 apart. They were still on friendly terms but not as close.
3 Mr. Sompote was in Thailand. He's also a filmmaker. He
4 made more than 20 films in Thailand.

5 And between the 1970s and 1980s, in addition to
6 producing films, he distributed his films in Thailand and in
7 other countries.

8 His son Mr. Pete is also in the film business and
9 also helped him doing the film work that he was doing in
10 Thailand including by attending these international film
11 festivals and film markets that I referred to.

12 Now, for many years I told you that Mr. Sompote
13 and Mr. Noboru had been friends and had kind of drifted
14 apart and for many years we hadn't heard much of
15 Mr. Sompote.

16 Then in June of 1995, as I told you, Mr. Noboru
17 somewhat unexpectedly died. Mr. Sompote came to
18 Mr. Noboru's funeral in Japan to pay his respects to his old
19 friend.

20 When Mr. Noboru died, his 34-year-old son, the
21 grandson of the founder Eiji, Kazuo, became the president of
22 the company.

23 He was in his early 30s at the time and he will
24 tell you he didn't think he was necessarily prepared to at
25 that point to become president of the company.

12

1 gentlemen had ever seen this document. There wasn't a copy
2 in our files.

3 Mr. Sompote himself has admitted -- he admitted
4 and you'll see the testimony because there is testimony that
5 was taken in a prior proceeding.

6 He admitted that before he showed this document to
7 us in 1996, he had never shown it to anyone except he says,
8 his son Mr. Pete. He had kept this for 20 years to himself
9 not showing it to anyone.

10 And of course at this time we couldn't ask
11 Mr. Noboru who supposedly was the one who entered into the
12 document with him because he had passed away.

13 Mr. Sompote said that he was being embarrassed in
14 Thailand because Tsuburaya Productions and its distribution
15 agent in the U.S. called Ultracom had been claiming rights
16 to Ultraman which caused people to believe that Mr. Sompote
17 didn't actually have the rights he claimed he had under this
18 piece of paper.

19 Mr. Sompote said he told Mr. Kazuo that even
20 though this document supposedly gave him rights in all
21 Ultraman works all around the world outside of Japan that
22 all he wanted to do was to have the right to distribute
23 Ultraman in Thailand and four or five adjacent countries.

24 He said that's all I want. This document gave me
25 everything. This is all I'm asking for.

1 Mr. Kazuo's reaction to that was this might
2 actually be a good thing because we were struggling in
3 Thailand. Mr. Sompote was very well known in the industry
4 in Thailand and we thought he might be a good distributor
5 and could help our business in those countries.

6 So at first we thought we can do business with him
7 as a distributor as actually they had done many, many years
8 before; and we want to avoid any litigation or disputes
9 about this which would result in a cloud on title which is
10 exactly of course what I told you has happened.

11 But Mr. Sompote told us: Okay. The one thing --
12 there's one other thing I need. If we're going to do
13 business together, I need you, Tsuburaya Productions, to
14 write me a letter apologizing for not recognizing my rights
15 so that people in the movie business in Thailand would be
16 willing to work with him again.

17 He said I've been embarrassed. You need to help
18 restore my honor. Mr. Kazuo, please write this letter.
19 Write an apology.

20 Now, Mr. Kazuo did not want to dishonor his father
21 and his father's old friend and their old relationship.
22 They had been close friends in the past and he thought that
23 doing business with Mr. Sompote in Thailand, as I said,
24 might be a very good thing and he certainly didn't want any
25 lawsuits.

1 The hundreds of TV episodes, the 20 theatrical movies, not
2 just the few classic original Ultraman works but all the
3 Ultraman works that our company had made since 1976 at
4 huge investment and also any works we might own and we might
5 make in the future because, again, he said this document
6 gave me Ultraman, all of it outside of Japan.

7 In other words, armed with this one -page
8 20-year-old document that he had never shown to anyone
9 before and with our letter which we gave him at his request
10 to help restore his reputation, he was going to take over
11 the brand outside of Japan forever.

12 After Mr. Noboru had died and Mr. Sompote got the
13 letter from us, he actually did begin to distribute Ultraman
14 works even though he claims that in the previous 20 years,
15 based on that document, he could have done it at any time

16 Mr. Sompote also started working with his son
17 Mr. Pete in his new Ultraman business; and after awhile,
18 Mr. Sompote assigned what he said were his rights to
19 Ultraman which he owned everything he claimed to his son
20 Mr. Pete and his son assigned them to a company he created,
21 one of the defendants in this case, UMC.

22 Mr. Pete will tell you he says his view is that
23 his company UMC has all the rights to all of Ultraman
24 outside of Japan to this very day.

25 To recap, after Mr. Noboru died and Mr. Sompote

1 So he apologized and he and Mr. Sompote signed
2 letter that Mr. Sompote said he needed in order to restore
3 his reputation in Thailand.

4 *(The exhibit was displayed on the screen.)*

5 MR. QUINN: And this is the letter you see on the
6 screen. It's Exhibit 144. You'll have a chance to see the
7 full text of this letter.

8 As Mr. Sompote asked, we said we're sorry in the
9 letter for not recognizing the rights that you claim to have
10 under this 20-year-old piece of paper which nobody has ever
11 seen before and that we hope that, as the letter says, our
12 letter of clarification would serve to restore your
13 integrity and credibility in Thailand.

14 But at no point in their discussions about this
15 letter or even in the letter itself did Mr. Sompote tell us
16 that what he actually intended to do, once he got this
17 letter, was to exercise global rights in Ultraman outside
18 Japan everywhere in the world based on this one-page piece
19 of paper.

20 The first time he even said that he would claim
21 global rights in Ultraman was after he got Mr. Kazuo to sign
22 this letter.

23 And after he got the letter, he not only claimed
24 those global rights in Ultraman but also claimed rights to
25 all the Ultraman works, all those things I told you about:

1 got the letter from us which we gave him because he said he
2 needed it in order to restore his reputation he claimed for
3 the very first time that he had worldwide rights.

4 Now, you're going to learn that he didn't have
5 those rights and that this document was a forgery; and the
6 proof of this, ladies and gentlemen, is the parties' actions
7 during that 20-year period, 1976 where he got this document
8 and 1996 after Mr. Noboru, who was the other party who
9 signed the document, passes away and he shows up with it.

10 You know, there's an expression that actions speak
11 louder than words; and if you look at the actions of the
12 parties, who is doing what in that 20-year period, the
13 evidence will show that during those decades of time we
14 acted at all times that we owned the rights. We were making
15 movies, making products and we were Ultraman to the world.

16 During those decades, Mr. Sompote never acted like
17 he owned those rights. And first let's talk about TPC's
18 conduct during those 20 years.

19 I talked earlier about the way that TPC had grown
20 the Ultraman brand and distributed these works around the
21 world. A lot of this happened during those 20 years between
22 '76 and '96.

23 During that period the Ultraman television series
24 and movies were shown and distributed all over the world.
25 To do this distribution, we entered into licensing

1 agreements with scores of distributors around the world.
 2 If we could look at slide 11.
 3 And this is just an animation of some of the
 4 titles that we created .
 5 If we can pull that up, Ken.
 6 *(The exhibit was displayed on the screen.)*
 7 MR. QUINN: We are clear during that 20 years we
 8 are Ultraman. We are exploiting this. We are creating
 9 Ultraman works. It will make very clear that -- the
 10 evidence will be very clear that we were acting like the
 11 company that had all the worldwide rights.
 12 Now, what was Mr. Sompote doing? He had this
 13 piece of paper which he had never shown to anyone. At the
 14 time we were publicly being Ultraman and selling Ultraman
 15 product and creating works he was never objecting to what
 16 we were doing, although he now says he had this document
 17 that gave him all these rights .
 18 There was no time when he came forward to us
 19 during that 20 -year period and said : Wait. Stop doing
 20 this. Those are my rights. Not until after Mr. Noboru
 21 passed away .
 22 He never objected to anything we were doing, never
 23 picked up the phone and said : Why are you doing that ?
 24 Never sent us a cease-and-desist letter. Never asked for
 25 royalties from any of our sales; any of the things that you

1 that they did business with Mr. Sompote regarding Ultraman
 2 during this period. In fact, you'll hear Mr. Sompote
 3 himself admit that he did not use his claimed rights under
 4 the contract .
 5 It also will be undisputed that before
 6 Mr. Tsuburaya died in 1995, Mr. Sompote never had his own
 7 Ultraman booths at fairs or festivals .
 8 He didn't do any of these things. Didn't act like
 9 somebody who had these rights, not until after Mr. Noboru
 10 died, the only living witness to this document which he said
 11 that he signed with Mr. Noboru back in 1976 .
 12 During this 20 -year period, not only was
 13 Mr. Sompote not acting like a person who had these worldwide
 14 rights to Ultraman, he acted in precisely the opposite way
 15 and this is shown by something that Mr. Sompote actually did
 16 do during that period .
 17 In 1984, Sompote took two Ultraman movies and
 18 reedited them together to make a different movie called
 19 "Hanuman and the Eleven Ultraman." It was supposed to be an
 20 updated version of the "Hanuman" movie that he had made
 21 years before.
 22 To make this movie Mr. Sompote used some footage
 23 from the first "Hanuman" movie. He was allowed to do that
 24 because he was a co-owner of the first movie. He had paid
 25 us to make that movie.

18

1 would have expected of somebody to do if they actually did
 2 own the rights .
 3 He knew that we were Ultraman to the world. There
 4 was no secret about that. In fact, you're going to hear
 5 testimony that he would go to some of these film markets and
 6 festivals and he would see us there promoting our product
 7 and there was no secret about -- we're very public about it
 8 But at no time was he ever objecting and saying: Stop.
 9 Wait a minute . I actually own this .
 10 So the evidence will be that he did know we were
 11 promoting it. He did know we owned it. He never objected.
 12 He also never made any Ultraman movies himself. He never
 13 made any TV episodes except for one, one movie or TV episode
 14 that he did in cooperation with us.
 15 Mr. Sompote's son Pete may talk about some of the
 16 things that he heard -- he heard that his father did in
 17 those 20 years like license a character for a movie video or
 18 he may say : My father actually made some toys.
 19 But you're not going to see a single contract .
 20 You're not going to see a single document, any piece of
 21 paper, no merchandising agreements , no production
 22 agreements, no toys, nothing indicating that Mr. Sompote or
 23 Pete during that 20 year period, where they claimed to have
 24 all the Ultraman rights , were actually doing anything.
 25 You also won't hear from a single person who said

20

1 The second movie that Mr. Sompote used to make his
 2 1984 movie is called "Ultraman Zoffy." That is not a movie
 3 that Sompote had made with us. We made it -- he made it in
 4 1984. He -- we made it in 1984. We're the sole owners of
 5 that.
 6 So he realized that he wants to use parts of this
 7 movie, he has to come to us; that we own it and he has to
 8 pay us for it. And he did do that.
 9 This is flat in the middle of the period, folks,
 10 where he says he had this piece of paper and he owned
 11 everything .
 12 In the middle of it , he comes to us and gets
 13 rights he needs to make this Ultraman movie. This is
 14 Exhibit 171 .
 15 If we could take a look at that , Ken.
 16 *(The exhibit was displayed on the screen.)*
 17 MR. QUINN: They signed a three-page contract
 18 giving him the right to use the movie "Ultraman Zoffy" for
 19 five years and Mr. Sompote paid us \$8,000 to use that film
 20 in just one country.
 21 So what does this mean? In 1984, a person who
 22 would later claim that as of that time he already owned
 23 everything outside of Japan relating to Ultraman , paid us
 24 for the rights to use "Ultraman Zoffy ."
 25 You don't need to buy what you already own. He

1 came to us . He knew he didn't own it .

2 I think that you will be able to conclude just
3 based on the evidence of the parties' conduct during that
4 20-year period that the alleged document, the 1976 document
5 is a forgery.

6 But another way you'll be able to reach this
7 conclusion is the document itself And when you look at it
8 Exhibit 4A -- and you're going to be seeing it a lot -- it
9 lists two movies and seven TV shows and purports to give him
10 rights in these properties outside of Japan forever for no
11 stated amounts of money.

12 It's -- this document is very different you're
13 going to hear from the other documents that Tsuburaya
14 Productions actually entered into when they did enter into
15 licensing contracts .

16 For one thing, let's talk about the name of the
17 company that appears in this '76 piece of paper .

18 I think we can all agree that Mr. Noboru the son
19 of the founder of the company and the president of the
20 company at the time knew his company's actual name and in
21 preparing a binding agreement, he'd put the right name here
22 in the document.

23 This document, the '76 document, in two places
24 this document lists the name of a company that doesn't
25 exist. This is highlighted here. There is no such company,

22

1 never has been such a company.

2 There are other errors in this document that
3 you're going to hear about. There's errors in the titles of
4 the listed works.

5 There are no money terms in the contract. It's a
6 one-page document that purports -- remember -- to give him
7 unlimited use outside of Japan and ownership of everything
8 relating to Ultraman.

9 It doesn't say a word about what we would get. I
10 mean, if it were real. It doesn't say how much Mr. Sompote
11 would pay for these rights. There is nothing about it .

12 Now, he claims -- Mr. Sompote claims that
13 Tsuburaya Productions could not pay him any money, you
14 know, we were broke that we already owed him a lot of money
15 so that we -- this is his account -- we wanted to give him
16 the rights to Ultraman in exchange for his forgiving debt
17 that he says that we owed him .

18 You won't see that in the document either.
19 There's nothing in there about forgiving debt . There's
20 nothing in there about debts that are owed .

21 You will see also that the document has what looks
22 like the signature of Noboru Tsuburaya and also a seal; and
23 this, the defendants will argue, that the seal alone proves
24 that the document is authentic .

25 But the truth of the matter, the fact that it has

1 both a signature and a seal proves the opposite, proves it's
2 inauthentic because you will hear that Tsuburaya used its
3 seal in Japanese -language agreements.

4 *(The exhibit was displayed on the screen.)*

5 MR. QUINN: This is a Japanese seal called a hanko
6 that's used for Japanese documents and on the screen here
7 you have various exhibits .

8 2161 to 2166 are examples of Japanese language
9 documents that Tsuburaya entered into and there's a seal.
10 There's not also a signature.

11 When Noboru Tsuburaya entered into
12 English-language contracts, he used his signature; and here
13 are some examples here. English language documents using
14 the signature .

15 *(The exhibit was displayed on the screen.)*

16 MR. QUINN: You'll hear that putting both a
17 signature and a seal on an English language document is not
18 something that Noboru ever did.

19 You'll be able to look at actual agreements that
20 the Tsuburaya Production Company entered into and compare it
21 to this.

22 *(The exhibit was displayed on the screen.)*

23 MR. QUINN: If we go back to that "Zoffy"
24 contract, remember I told you he paid \$8,000 in order to get
25 the rights to use "Ultraman Zoffy" at slide 171; and this is

24

1 an actual -- everybody agrees this is an authentic contract
2 and this contract contains all the things that Mr. Sompote's
3 1976 document doesn't have.

4 It accurately describes , lists the name of the
5 company. There's the actual name . It actually has the
6 right names of the Ultraman works, unlike the 1976 document.

7 It specifies what distribution rights are being
8 transferred for theater screening only. It has a restricted
9 territory. It says Thailand . And it contains a specific
10 time limit for five years.

11 It contains payment terms. Again, something that
12 isn't in that 1976 document. Again , the payment terms
13 \$8,000 for one movie in one country .

14 And it's signed by both parties to the contract,
15 Mr. Tsuburaya and Mr. Sompote as the licensor and licensee.
16 It's an English -language document, therefore , it has
17 signatures and it also doesn't have a seal .

18 Another reason you'll know that this document is
19 fake is because the signature is a fake. It's not
20 Mr. Noboru's signature. They will show you a photocopy of
21 this 1976 document.

22 They will not show you the original because they
23 say they don't have it and , according to Mr. Pete's last
24 testimony , he doesn't know where it is.

25 Now, that's, we submit, you may conclude that's

1 convenient because when you have the original there are a
2 lot of things you can do to check an original to see if it's
3 authentic.

4 You can look at the paper, you can look at the
5 ink, you can see if it's old. You can see if it's dried
6 out. If it contains chemicals or you can date it.

7 There's a lot of things you can do with an
8 original document to test whether it is what it purports to
9 be.

10 You can call witnesses. But you can look -- you
11 can't do those things with a photocopy which is all that
12 they'll present here in court.

13 And we will call witnesses and one of them is an
14 expert in handwriting and signatures and that's
15 Lloyd Cunningham who is a nationally recognized expert in
16 handwriting analysis.

17 He's one of the most preeminent forensic s
18 examiners and expert on handwriting in the United States.

19 *(The exhibit was displayed on the screen.)*

20 MR. QUINN: You can see some of his qualifications
21 there on the screen. He has 35 years of professional
22 experience.

23 And I have to tell you that unfortunately we just
24 learned that he's going to have -- he must have a medical
25 procedure tomorrow and it's on his vocal cords and that may

1 kind of -- or trace it like the writing of a child; and I
2 think you can see from looking at the document on the
3 left-hand side, the signature on the left-hand side, it's
4 very, very different than the known signatures.

5 The other side is also going to call an expert in
6 handwriting and document analysis, a Mr. Wakshull; and
7 you're going to have to decide whether Mr. Wakshull's
8 opinions are reliable because, as he had to admit, he's
9 never received training in being a document examiner.

10 You're going to hear that there is an industry
11 standard of minimum amount of training required to be a
12 qualified forensic document examiner and that is that you
13 must have had two years full-time internship under the
14 instruction of a qualified trainer.

15 That comes, folks, to about 2,000 hours per year
16 of full-time training. Mr. Wakshull doesn't have it. What
17 he has instead is a correspondence course or an online
18 course from a college in Tennessee that he completed at home
19 without any instructors.

20 The time it took is at most 90 hours; much, much
21 less than the close to 2,000 hours per year required under
22 the minimum standards.

23 And as a result probably of this lack of training,
24 Mr. Wakshull used methods and practices that render his
25 opinions completely unreliable.

26

1 mean that he can't talk which will mean he won't be able to
2 actually come here live and testify.

3 We're hoping he can talk. We're hoping that he
4 can come here and testify. But his deposition has been
5 taken so we have his videotaped testimony.

6 It's not ideal but, if necessary, you'll still
7 hear his opinions and the basis for his opinions by seeing
8 his videotaped deposition.

9 Mr. Cunningham reviewed the signature on the
10 1976 document and compared it to dozens of other signatures
11 of Mr. Noboru on contracts and other documents.

12 And he would -- he will explain to you why the
13 signature on this 1976 piece of paper was not actually
14 written by Mr. Noboru Tsuburaya, you know, and here's some
15 illustration here.

16 *(The exhibit was displayed on the screen.)*

17 MR. QUINN: On the left-hand side, you have the
18 questioned signature from the 1976 document. On the
19 right-hand side we have known examples of Mr. Tsuburaya's
20 actual signature.

21 And we all know that people can write their own
22 real signature in a hurry. You can dash it off. But if
23 you're going to forge, if you're going to fake somebody's
24 signature, you can't just dash it off.

25 You have to kind of draw it and, you know, you

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1 In fact, you will hear that he's had to withdraw
2 some of the opinions he originally offered because he agreed
3 that he had made mistakes, that they were not supportable.

4 Another interesting thing about Mr. Wakshull is
5 that he has admitted -- he said that it's best if an expert
6 is retained by a party. It's best if they don't know what
7 conclusion that party wants them to reach; that they
8 independently look at the signature without knowing whether
9 the, you know, party who retained them wanted them to find if
10 it's a real good signature or a bad signature.

11 That's the best thing because then you don't have
12 the bias that the person paying you, you know what
13 conclusion they want.

14 Well, Mr. Wakshull will have to admit to you that
15 he knew what conclusion UMC wanted and knew UMC wanted him
16 to find that it was an authentic signature.

17 Mr. Cunningham on the other hand, he gave him the
18 signature. We didn't tell him which way, you know, which
19 side we were on on that issue. He reached his own
20 independent conclusion.

21 Mr. Wakshull will also have to admit because he's
22 only working with a copy of the 1976 document, not the
23 original, there's really no way for him or anyone else to
24 determine if it's genuine.

25 He will say things like, you know, the seal,

certain things in the document like the seal or the letterhead look a lot like a seal or a letterhead that the company was using at the time .

But he will say, you know, you really can't give a definitive opinion because we don't have the original. The original won't be here. They say they don't know where the original is .

You also won't see the original document. You also won't see a key individual in this case, Mr. Sompote. We won't have a chance to ask him what he has to say about all this and this document that he produced after 20 years and after Mr. Noboru had passed away .

You know, he's still alive. He lives in Thailand. He, of course, is still the father of Mr. Pete who you will hear from trial.

Mr. Sompote is still asserting rights in Ultraman and just in 2015 he formed a company here in Los Angeles to distribute Ultraman works here in Los Angeles and had a press conference.

Mr. Sompote is according to UMC the last person who actually had possession of the original 1976 document. Mr. Pete and UMC told us they haven't seen the original in years. They never had it. Mr. Sompote is the last one who had it.

Now, Mr. Sompote won't be here not because we

Thailand for falsifying evidence and providing false evidence to the court .

So you will just hear from Mr. Pete and you'll hear from other people who have worked with Mr. Pete and Mr. Sompote, and they will talk about why they think this one-page photocopy of a 1976 document is real but here's the thing.

They weren't there. It was a long time ago. They don't know. And you can't tell actually what happened back in March of 1976. They don't know and they can't tell us and they'll admit that .

They don't know about any debt which we supposedly owed them and which was supposedly forgiven.

They don't know anything about the original drafting of this contract or why there are these errors in the contract in terms of the names -- the name of the company or the names of the works, the Ultraman works why those errors are there or why there isn't a price term there or why there aren't all these other terms that I referred to.

They can't show you the original because they don't have it and they don't know where it is. Instead , they're going to tell you a story through other documents and through people who weren't there at the time .

And they're going to ask you to believe that

didn't try to bring him here. Even though UMC first brought this -- started this lawsuit , we named Mr. Sompote as a party. We asserted claims against Mr. Sompote because obviously he's a essential figure .

And we wanted an opportunity for him to come here and so we could ask questions in front of you and you could judge his credibility and so we did what we had to do. We brought the lawsuit. We served him with a copy of the lawsuit in Thailand.

He evaded service. He didn't want to -- that's the next slide if we could show that.

(The exhibit was displayed on the screen.)

MR. QUINN: Some photographs were taken in

Thailand as we served him but he simply decided not to show up.

So you're not going to hear from him and we will not be able to ask him about what happened back in 1976. We won't be able to ask him why is it that 20 years went by and you didn't claim these worldwide rights in Ultraman .

Why, you know, you didn't object to the fact that we were selling Ultraman during that time ; that he didn't make this claim until after Mr. Noboru died .

We won't be able to ask him where the original document is because he won't show here and we also won't be able to ask him about the criminal conviction that he has in

Mr. Sompote was telling the truth back in 1996 when, after Mr. Noboru passed away, he first showed up in Tokyo with this paper in hand and said : By the way , I own all the Ultraman you've been working on for the last 20 years and I own all the Ultraman products in the future .

So just to conclude here, folks, the overwhelming evidence in this case will be that that piece of paper is not legitimate; that Noboru did not transfer ownership of the company's far and away , almost it's only asset , to Sompote in 1976 pursuant to this one-page document .

That the Ultraman created by Kazuo Tsuburaya's grandfather Eiji so many years ago is still owned by Tsuburaya Productions; that this brand that was made so famous by his son Noboru Tsuburaya and further developed by his grandson Kazuo Tsuburaya still belongs to Tsuburaya Productions and was not given away in this document in 1976.

Thank you very much for your attention.

(End of requested proceedings.)

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CERTIFICATE

I, PAT CUNEO, CSR 1600, hereby certify that
pursuant to Section 753, Title 28, United States Code, the
foregoing is a true and correct transcript of the
stenographically reported proceedings held in the
above-entitled matter and that the transcript page format is
in conformance with the regulations of the Judicial
Conference of the United States.

Date: November 12, 2017

/s/ PAT CUNEO _____
PAT CUNEO, OFFICIAL REPORTER
CSR NO. 1600

MR. QUINN: [14] 3/3 5/1 6/3 6/23
11/15 14/4 17/6 20/16 23/4 23/15
23/22 25/19 26/16 30/12

\$
\$8,000 [3] 20/19 23/24 24/13
,

'60s [1] 6/21
'70s [1] 6/21
'76 [3] 16/22 21/17 21/23
'96 [1] 16/22

-
-and [1] 2/7
-oOo [2] 3/2 32/20

/
/s [1] 33/16

1
10th [2] 2/17 6/13
11 [1] 17/2
12 [1] 33/11
144 [1] 14/6
15-3764-AB-AJW [1] 1/9
1500 [1] 6/1
1600 [3] 1/21 33/3 33/17
1700 [1] 2/5
171 [2] 20/14 23/25
1782 [1] 1/24
1960s [1] 5/21
1967 [1] 5/3
1970s [2] 8/21 10/5
1974 [1] 9/25
1976 [12] 11/8 11/12 15/3 16/7 19/11
21/4 24/3 26/13 30/17 31/10 32/10
32/16
1976 document [9] 11/18 24/6 24/12
24/21 26/10 26/18 28/22 29/21 31/6
1980s [2] 8/21 10/5
1984 [5] 19/17 20/2 20/4 20/4 20/21
1990s [1] 8/21
1995 [3] 8/16 10/16 19/6
1996 [5] 11/2 11/19 12/7 16/8 32/1
1:47 [1] 1/18

2
2,000 [2] 27/15 27/21
20 [15] 3/25 7/3 10/4 11/12 11/21 12/8
15/1 15/14 16/18 16/21 17/7 18/17
29/11 30/18 32/4
20-year [6] 16/7 16/12 17/19 18/23
19/12 21/4
20-year-old [2] 14/10 15/8
2002 [1] 6/6
2015 [1] 29/17
2016 [1] 6/16
2017 [3] 1/18 3/1 33/11
213-443-3000 [1] 2/18
213-488-7100 [1] 2/10
213-894-1782 [1] 1/24
2161 [1] 23/8
2166 [1] 23/8
2245 [1] 7/13
2291 [1] 7/13

2543 [1] 2/17
28 [1] 33/4
2800 [1] 2/9
3
3000 [1] 2/18
30s [1] 10/23
32 [1] 1/19
34-year-old [1] 10/20
35 [1] 25/21
350 [1] 1/22
3797 [1] 2/5
3:44 [1] 3/1

4
401 [1] 2/4
4311 [1] 1/23
4565 [1] 1/23
4A [2] 11/16 21/8
5
50 [5] 3/15 4/13 6/24 7/1 7/17
50th [2] 6/16 6/19
512-580-9609 [1] 2/6
5406 [1] 2/10

6
60 [1] 8/19
7
7100 [1] 2/10
725 [1] 2/9
753 [1] 33/4
78701-3797 [1] 2/5

8
865 [1] 2/16
9
90 [1] 27/20
90012-4565 [1] 1/23
90017-2543 [1] 2/17
90017-5406 [1] 2/10
9609 [1] 2/6

A
AB [1] 1/9
ability [1] 8/11
able [8] 21/2 21/6 23/19 26/1 30/17
30/18 30/23 30/25
about [27] 4/9 9/8 11/5 11/6 13/9
14/14 14/25 16/17 16/19 18/4 18/7
18/7 18/15 21/16 22/3 22/9 22/11
22/19 22/20 27/15 28/4 29/10 30/17
30/25 31/5 31/12 31/14
above [1] 33/7
above-entitled [1] 33/7
according [2] 24/23 29/20
account [1] 22/15
accurately [1] 24/4
Ace [1] 5/17
act [1] 19/8
acted [3] 16/14 16/16 19/14
acting [2] 17/10 19/13
actions [3] 16/6 16/10 16/11
actual [5] 21/20 23/19 24/1 24/5 26/20
actually [17] 8/1 12/17 13/2 13/7 14/16
15/13 18/1 18/9 18/18 18/24 19/15

21/14 24/5 26/2 26/13 29/21 31/9
addition [2] 4/23 10/5
adjacent [1] 12/23
admit [5] 19/3 27/8 28/14 28/21 31/11
admitted [4] 12/3 12/3 12/6 28/5
after [14] 3/25 4/19 14/21 14/23 15/12
15/17 15/25 16/8 17/20 19/9 29/11
29/12 30/22 32/1
afternoon [1] 3/4
again [4] 13/16 15/5 24/11 24/12
against [1] 30/3
agent [1] 12/15
ago [3] 6/24 31/8 32/12
agree [1] 21/18
agreed [1] 28/2
agreement [1] 21/21
agreements [5] 17/1 18/21 18/22 23/3
23/19
agrees [1] 24/1
AJW [1] 1/9
alive [1] 29/13
all [35]
alleged [1] 21/4
allowed [1] 19/23
almost [1] 32/9
alone [1] 22/23
already [3] 20/22 20/25 22/14
also [23] 7/11 7/15 9/1 9/9 9/20 10/3
10/8 10/9 14/24 15/4 15/16 18/12
18/25 19/5 22/21 22/22 23/10 24/17
27/5 28/21 29/8 29/9 30/24
although [1] 17/16
always [1] 7/14
amount [1] 27/11
amounts [3] 7/4 7/5 21/11
analysis [2] 25/16 27/6
ANDRÉ [1] 1/4
Angeles [7] 1/17 1/23 2/10 2/17 3/1
29/17 29/18
animation [1] 17/3
anniversary [2] 6/17 6/19
another [3] 21/6 24/18 28/4
any [14] 4/7 13/8 13/24 15/4 15/15
17/25 17/25 18/12 18/13 18/20 19/8
22/13 27/19 31/12
anyone [5] 12/7 12/9 15/8 17/13 28/23
anything [3] 17/22 18/24 31/14
apart [2] 10/2 10/14
apologized [1] 14/1
apologizing [1] 13/14
apology [1] 13/19
appearances [2] 2/1 5/25
appears [1] 21/17
approached [1] 8/1
are [22] 5/7 5/15 5/25 6/1 7/9 7/13 17/7
17/8 17/8 17/8 17/20 17/23 22/2 22/5
22/20 23/8 23/13 24/7 25/1 27/8 31/15
31/18
aren't [1] 31/19
argue [1] 22/23
armed [1] 15/7
around [6] 7/6 7/8 7/25 12/21 16/20
17/1
as [23] 3/5 3/8 4/10 5/6 5/6 5/6 6/13
7/1 9/13 10/2 10/16 11/18 13/7 13/7
13/23 14/8 14/11 20/22 24/15 27/8
27/23 30/2 30/14

A
Asia [2] 5/6 6/9
ask [8] 12/10 29/10 30/6 30/17 30/18
 30/23 30/25 31/25
asked [2] 14/8 17/24
asking [1] 12/25
asserted [1] 30/3
asserting [1] 29/16
asset [1] 32/9
assigned [2] 15/18 15/20
at [38]
attend [1] 3/23
attending [1] 10/10
attention [1] 32/17
ATTORNEY [7] 2/4 2/8 2/8 2/14 2/15
 2/15 2/16
Austin [1] 2/5
authentic [4] 22/24 24/1 25/3 28/16
Avenue [1] 2/4
avoid [1] 13/8
away [7] 12/12 16/9 17/21 29/12 32/2
 32/9 32/16
awhile [1] 15/17

B
back [7] 11/7 11/11 19/11 23/23 30/17
 31/9 32/1
bad [1] 28/10
barrier [1] 8/11
based [4] 8/10 14/18 15/15 21/3
basis [2] 8/5 26/7
be [25] 4/17 7/19 9/12 13/2 13/4 13/15
 13/24 17/10 18/10 19/5 19/19 21/2
 21/6 21/8 23/19 25/9 26/1 27/11 29/6
 29/25 30/17 30/18 30/23 30/24 32/7
became [2] 4/19 10/21
because [25] 4/2 4/6 9/12 9/14 9/21
 12/4 12/12 12/14 13/2 15/5 16/1 19/24
 23/2 24/19 24/22 25/1 27/8 28/2 28/11
 28/21 29/5 29/25 30/3 30/24 31/21
become [2] 8/11 10/25
been [12] 4/13 5/20 7/15 8/19 10/13
 11/1 12/15 13/17 13/22 22/1 26/4 32/4
before [8] 11/12 11/21 12/6 13/8 14/11
 15/9 19/5 19/21
begin [1] 15/13
being [4] 12/13 17/14 24/7 27/9
believe [2] 12/16 31/25
belongs [1] 32/15
best [3] 28/5 28/6 28/11
between [2] 10/5 16/21
bias [1] 28/12
binding [1] 21/21
BIROTTE [1] 1/4
bit [1] 5/23
blow [1] 8/18
book [1] 6/6
books [1] 7/12
booths [1] 19/7
both [4] 6/10 23/1 23/16 24/14
boy [1] 11/7
brand [4] 7/18 15/11 16/20 32/13
bring [1] 30/1
bringing [1] 8/3
broadcast [1] 6/15
broke [1] 22/14
brought [2] 30/1 30/8

build [1] 8/20
business [9] 4/14 10/8 13/5 13/6
 13/13 13/15 13/23 15/17 19/1
but [20] 9/11 9/16 9/21 10/2 11/13
 13/11 14/14 14/24 15/2 18/8 18/19
 21/6 22/25 25/10 26/4 26/6 26/22 29/4
 30/14 31/6
buy [1] 20/25
C
CALIF [1] 3/1
CALIFORNIA [5] 1/2 1/17 1/23 2/10
 2/17
call [4] 9/20 25/10 25/13 27/5
called [8] 5/22 8/13 9/16 9/25 12/15
 19/18 20/2 23/5
came [6] 5/21 10/17 11/2 11/9 17/18
 21/1
can [20] 3/24 7/1 13/6 17/5 21/18 25/2
 25/4 25/4 25/5 25/5 25/6 25/7 25/10
 25/10 25/20 26/3 26/4 26/21 26/22
 27/2
can't [7] 25/11 26/1 26/24 29/4 31/9
 31/10 31/21
case [10] 3/6 3/7 4/18 8/6 9/15 9/17
 11/18 15/21 29/9 32/7
caused [1] 12/16
cease [1] 17/24
cease-and-desist [1] 17/24
central [2] 1/2 9/6
certain [1] 29/1
certainly [1] 13/24
CERTIFICATE [1] 33/1
certify [1] 33/3
chance [2] 14/6 29/10
character [5] 3/11 5/23 7/17 8/7 18/17
characters [9] 4/24 5/8 5/16 5/16 6/7
 6/10 7/9 7/11 7/23
check [1] 25/2
chemicals [1] 25/6
CHIBIB [1] 2/3
child [1] 27/1
children [1] 4/12
claim [7] 8/6 8/14 14/9 14/20 20/22
 30/19 30/22
claimed [7] 12/17 14/23 14/24 15/19
 16/2 18/23 19/3
claiming [1] 12/15
claims [5] 3/9 15/14 22/12 22/12 30/3
clarification [1] 14/12
classic [2] 6/20 15/2
clear [3] 17/7 17/9 17/10
client [1] 4/9
clip [1] 6/22
close [3] 10/2 13/22 27/21
cloud [2] 8/13 13/9
CM [1] 1/21
co [2] 1/10 19/24
co-owner [1] 19/24
cocreators [1] 4/23
Code [1] 33/4
college [1] 27/18
come [11] 5/8 5/11 5/11 5/18 6/4 9/2
 9/22 20/7 26/2 26/4 30/5
comes [2] 20/12 27/15
coming [1] 5/20
committed [1] 4/8

common [1] 5/9
companies [1] 9/9
company [24] 4/11 4/19 4/21 8/18
 9/15 10/22 10/25 11/1 11/25 15/3
 15/20 15/23 17/11 21/17 21/19 21/20
 21/24 21/25 22/1 23/20 24/5 29/3
 29/17 31/17
company's [2] 21/20 32/9
compare [1] 23/20
compared [1] 26/10
completed [1] 27/18
completely [1] 27/25
concerning [1] 3/24
conclude [3] 21/2 24/25 32/6
conclusion [5] 21/7 28/7 28/13 28/15
 28/20
conduct [2] 16/18 21/3
conference [2] 29/19 33/9
conformance [1] 33/8
Congress [1] 2/4
contains [4] 24/2 24/9 24/11 25/6
continuing [1] 7/24
contract [12] 3/9 3/19 18/19 19/4
 20/17 22/5 23/24 24/1 24/2 24/14
 31/15 31/16
contracts [3] 21/15 23/12 26/11
convenient [1] 25/1
conviction [2] 3/21 30/25
cooperation [1] 18/14
copy [4] 11/14 12/1 28/22 30/8
copyright [1] 4/8
cords [1] 25/25
corporation [4] 1/6 1/6 1/10 3/7
correct [1] 33/5
correspondence [1] 27/17
could [9] 6/22 13/5 15/15 17/2 20/15
 22/13 30/6 30/6 30/11
couldn't [1] 12/10
counsel [2] 2/1 8/25
Counterclaimant [2] 1/11 2/13
Counterdefendant [2] 1/7 2/2
countless [1] 3/14
countries [3] 10/7 12/23 13/5
country [3] 3/15 20/20 24/13
course [7] 7/1 7/17 12/10 13/10 27/17
 27/18 29/14
court [4] 1/1 3/22 25/12 31/2
Courthouse [1] 1/22
create [1] 8/20
created [10] 3/14 4/24 6/18 7/16 7/22
 8/9 11/23 15/20 17/4 32/11
creating [4] 7/2 7/4 17/8 17/15
credibility [2] 14/13 30/7
criminal [2] 3/21 30/25
CRR [1] 1/21
CRR-CM [1] 1/21
CSR [3] 1/21 33/3 33/17
CUNEO [4] 1/21 33/3 33/16 33/17
Cunningham [3] 25/15 26/9 28/17
cutting [1] 6/25
CV [1] 1/9

D
DANIEL [1] 2/15
danposner [1] 2/18
dash [2] 26/22 26/24
date [4] 3/25 6/14 25/6 33/11

day [4] 1/19 6/14 7/24 15/24
 debt [3] 22/16 22/19 31/12
 debts [1] 22/20
 decades [3] 7/10 16/13 16/16
 decide [2] 8/15 27/7
 decided [1] 30/14
 defendant [4] 1/11 2/13 3/7 9/15
 defendants [3] 8/6 15/21 22/23
 definitive [1] 29/5
 deposition [2] 26/4 26/8
 describes [1] 24/4
 designed [1] 7/22
 desist [1] 17/24
 determine [1] 28/24
 developed [1] 32/14
 did [16] 13/20 14/15 15/13 18/1 18/10
 18/11 18/14 18/16 19/1 19/3 19/15
 20/8 21/14 23/18 30/7 32/8
 didn't [13] 10/24 12/17 13/24 16/4
 19/8 19/8 21/1 28/18 30/1 30/10 30/19
 30/20 30/21
 died [8] 8/17 10/17 10/20 15/12 15/25
 19/6 19/10 30/22
 different [12] 5/12 5/13 5/23 5/24 5/24
 5/25 6/1 6/1 7/2 19/18 21/12 27/4
 director [1] 4/15
 discussions [1] 14/14
 dishonor [1] 13/20
 display [1] 7/12
 displayed [12] 5/1 6/3 11/15 14/4 17/6
 20/16 23/4 23/15 23/22 25/19 26/16
 30/12
 dispute [1] 7/19
 disputes [1] 13/8
 distribute [5] 4/3 7/25 12/22 15/13
 29/18
 distributed [4] 4/7 10/6 16/20 16/24
 distribution [3] 12/14 16/25 24/7
 distributor [2] 13/4 13/7
 distributors [1] 17/1
 DISTRICT [2] 1/1 1/2
 DIVISION [1] 1/3
 do [15] 4/8 12/22 13/6 13/12 14/16
 16/25 18/1 19/8 19/16 19/23 20/8 25/2
 25/7 25/11 30/7
 document [55]
 documents [7] 3/22 21/13 23/6 23/9
 23/13 26/11 31/23
 does [1] 20/21
 doesn't [7] 21/24 22/9 22/10 24/3
 24/17 24/24 27/16
 doing [10] 10/9 10/9 13/23 16/12
 17/12 17/16 17/19 17/22 17/23 18/24
 don't [12] 20/25 24/23 28/6 28/11 29/5
 29/6 31/9 31/10 31/12 31/14 31/22
 31/22
 done [2] 13/7 15/15
 dozen [1] 3/13
 dozens [1] 26/10
 drafting [1] 31/15
 draw [1] 26/25
 dried [1] 25/5
 drifted [2] 10/1 10/13
 during [15] 4/17 16/7 16/13 16/16
 16/18 16/21 16/23 17/7 17/19 18/23
 19/2 19/12 19/16 21/3 30/21

each [2] 4/19 5/23
 earlier [1] 16/19
 early [2] 6/21 10/23
 earth [2] 3/15 5/12
 edge [1] 6/25
 Eiji [7] 4/15 4/20 4/22 4/24 8/17 10/21
 32/12
 Eiji Tsuburaya [2] 4/20 4/22
 Eiji Tsuburaya's [1] 8/17
 Eiji's [1] 8/23
 either [1] 22/18
 Eleven [1] 19/19
 else [1] 28/23
 EMANUEL [1] 2/14
 embarrassed [2] 12/13 13/17
 employees [1] 9/2
 End [1] 32/18
 English [6] 8/2 11/10 23/12 23/13
 23/17 24/16
 English-language [5] 8/2 23/12 23/13
 23/17 24/16
 enter [1] 21/14
 entered [6] 12/11 16/25 21/14 23/9
 23/11 23/20
 entitled [1] 33/7
 episode [1] 18/13
 episodes [5] 3/13 7/2 8/8 15/1 18/13
 errors [4] 22/2 22/3 31/15 31/18
 essential [1] 30/4
 evaded [1] 30/10
 even [6] 6/12 12/19 14/15 14/20 15/14
 30/1
 ever [4] 12/1 14/10 18/8 23/18
 every [3] 3/15 7/21 7/22
 everybody [1] 24/1
 everything [5] 12/25 15/19 20/11
 20/23 22/7
 everywhere [1] 14/18
 evidence [10] 6/5 6/6 9/17 16/13 17/10
 18/10 21/3 31/1 31/2 32/7
 exactly [1] 13/10
 examiner [2] 27/9 27/12
 examiners [1] 25/18
 examples [3] 23/8 23/13 26/19
 except [4] 3/16 7/19 12/7 18/13
 exchange [1] 22/16
 exercise [1] 14/17
 exhibit [17] 5/1 6/3 6/6 11/15 11/16
 14/4 14/6 17/6 20/14 20/16 21/8 23/4
 23/15 23/22 25/19 26/16 30/12
 Exhibit 144 [1] 14/6
 Exhibit 171 [1] 20/14
 Exhibit 4A [1] 21/8
 Exhibit No. 4A [1] 11/16
 exhibits [2] 7/13 23/7
 exist [2] 5/16 21/25
 expected [1] 18/1
 experience [1] 25/22
 expert [4] 25/14 25/15 27/5 28/5
 experts [1] 25/18
 explain [1] 26/12
 explanations [1] 3/24
 exploiting [1] 17/8
 expression [1] 16/10

fact [6] 4/6 18/4 19/2 22/25 28/1 30/20
 fairs [1] 19/7
 fake [4] 3/19 24/19 24/19 26/23
 false [2] 3/22 31/1
 falsifying [1] 31/1
 family [2] 4/14 8/18
 famous [2] 5/5 32/14
 far [1] 32/9
 father [8] 9/18 11/6 11/11 11/21 13/20
 18/16 18/18 29/14
 father's [1] 13/21
 festivals [4] 7/8 10/11 18/6 19/7
 few [1] 15/2
 fifteen [1] 11/7
 fifteen-year-old [1] 11/7
 fight [2] 5/12 5/25
 Figueroa [2] 2/9 2/16
 figure [2] 9/6 30/4
 files [1] 12/2
 film [9] 7/7 7/8 9/25 10/8 10/9 10/10
 10/11 18/5 20/19
 filmmaker [1] 10/3
 films [5] 4/11 9/24 10/4 10/6 10/6
 find [2] 28/9 28/16
 first [13] 1/22 1/22 3/19 3/25 6/14 13/6
 14/20 16/3 16/17 19/23 19/24 30/1
 32/2
 five [3] 12/23 20/19 24/10
 flat [1] 20/9
 Floor [1] 2/17
 folks [4] 7/7 20/9 27/15 32/6
 following [1] 4/15
 footage [1] 19/22
 foregoing [1] 33/5
 forensic [1] 27/12
 forensics [1] 25/17
 forever [2] 15/11 21/10
 forge [1] 26/23
 forgery [4] 3/19 4/3 16/5 21/5
 forgiven [1] 31/13
 forgiving [2] 22/16 22/19
 format [1] 33/7
 formed [2] 4/14 29/17
 forward [1] 17/18
 founder [4] 4/20 4/22 10/21 21/19
 four [1] 12/23
 friend [2] 10/19 13/21
 friendly [1] 10/2
 friends [3] 9/23 10/13 13/22
 front [1] 30/6
 full [3] 14/7 27/13 27/16
 full-time [2] 27/13 27/16
 funeral [1] 10/18
 further [1] 32/14
 future [2] 15/5 32/5

G
 gave [7] 12/20 12/24 15/6 15/9 16/1
 17/17 28/17
 Geed [1] 5/22
 general [1] 6/9
 gentlemen [4] 3/4 3/22 12/1 16/6
 genuine [1] 28/24
 get [2] 22/9 23/24
 gets [1] 20/12
 give [4] 21/9 22/6 22/15 29/4

G

given [1] 32/16
giving [1] 20/18
global [4] 8/5 14/17 14/21 14/24
gmail.com [1] 1/24
go [3] 7/7 18/5 23/23
Godzilla [2] 4/23 4/23
going [21] 5/13 6/17 8/23 13/12 15/10
16/4 18/4 18/19 18/20 21/8 21/13 22/3
25/24 26/23 26/23 27/5 27/7 27/10
30/16 31/23 31/25
going to [1] 25/24
GOLDSTEIN [1] 2/15
good [5] 3/4 13/2 13/4 13/24 28/10
got [7] 7/12 14/16 14/21 14/23 15/12
16/1 16/7
grandfather [1] 32/12
grandson [4] 4/16 8/23 10/21 32/15
granted [1] 11/21
grants [1] 3/10
grew [1] 8/21
grown [1] 16/19

H

had [44]
hadn't [1] 10/14
hand [7] 11/10 26/17 26/19 27/3 27/3
28/17 32/3
hands [1] 3/20
handwriting [4] 25/14 25/16 25/18
27/6
hanko [1] 23/5
Hanuman [4] 9/25 19/19 19/20 19/23
happened [5] 11/7 13/10 16/21 30/17
31/9
hard [1] 9/14
has [28] 3/8 3/21 3/23 4/3 4/6 4/13
7/16 7/20 8/9 8/10 12/3 13/10 14/10
15/23 20/7 20/7 22/1 22/21 22/25 24/5
24/8 24/16 25/21 26/4 27/17 28/5
29/10 30/25
have [40]
haven't [1] 29/22
he [150]
he'd [1] 21/21
He'll [1] 4/18
he's [9] 9/21 10/3 25/17 25/24 27/8
28/1 28/21 29/13 30/4
hear [19] 3/24 4/17 8/23 9/16 11/16
18/4 18/25 19/2 21/13 22/3 23/2 23/16
26/7 27/10 28/1 29/15 30/16 31/3 31/4
heard [4] 3/5 10/14 18/16 18/16
heart [1] 6/11
held [1] 33/6
help [5] 5/12 8/15 13/5 13/17 15/10
helped [2] 8/20 10/9
here [26] 4/17 4/17 5/2 6/4 7/13 8/15
8/24 9/12 9/21 21/21 21/25 23/6 23/12
23/13 25/12 26/2 26/4 26/15 29/6
29/17 29/18 29/25 30/1 30/5 30/24
32/6
here's [3] 6/17 26/14 31/6
hereby [1] 33/3
hero [2] 5/3 5/16
heroes [1] 6/8
highlighted [1] 21/25
him [33] 4/18 9/20 9/21 10/9 11/21

12/12 12/20 13/6 13/16 15/9 16/1
17/17 20/18 21/9 22/6 22/13 22/14
22/15 22/17 26/15 28/17 28/18 28/23
29/10 30/1 30/5 30/8 30/14 30/16
30/17 30/18 30/23 30/25
himself [4] 12/3 12/8 18/12 19/3
his [51]
holiday [1] 6/12
Hollywood [1] 8/1
home [1] 27/18
honor [2] 6/18 13/18
HONORABLE [1] 1/4
hope [1] 14/11
hoping [2] 26/3 26/3
hours [3] 27/15 27/20 27/21
how [1] 22/10
However [1] 8/6
huge [3] 7/3 7/4 15/4
humans [1] 5/12
hundreds [5] 3/12 5/15 5/15 7/2 15/1
hurry [1] 26/22

I

I'm [2] 6/17 12/25
I've [1] 13/17
iconic [1] 5/5
ideal [1] 26/6
if [20] 13/12 16/11 17/2 17/5 18/1
20/15 22/10 23/23 25/2 25/5 25/5 25/6
26/6 26/22 26/23 28/5 28/6 28/9 28/24
30/11
illustration [1] 26/15
image [1] 5/3
imagery [1] 6/25
imagine [1] 7/1
inauthentic [1] 23/2
include [2] 5/17 9/3
including [4] 3/12 4/4 9/25 10/10
Inclusive [1] 1/19
independent [1] 28/20
independently [1] 28/8
indicating [1] 18/22
individual [1] 29/9
industry [2] 13/3 27/10
informal [1] 6/12
infringement [1] 4/8
ink [1] 25/5
instead [2] 27/17 31/22
instruction [1] 27/14
instructors [1] 27/19
integrity [1] 14/13
intended [1] 14/16
interest [1] 8/3
interesting [1] 28/4
international [2] 8/21 10/10
internship [1] 27/13
introduce [2] 6/19 8/11
invested [1] 7/3
investment [2] 7/18 15/4
is [83]
isn't [2] 24/12 31/18
issue [1] 28/19
it [69]
it's [24] 5/5 6/6 6/13 8/13 9/10 11/17
14/6 21/12 22/5 23/1 24/14 24/16
24/19 25/2 25/5 25/5 25/25 26/6 27/3
28/5 28/6 28/10 28/24 32/9

items [1] 3/14
its [3] 6/24 12/14 23/2
itself [2] 14/15 21/7

J

Japan [20] 3/16 4/4 4/21 5/6 6/9 6/13
6/15 7/6 8/10 9/2 10/18 11/23 12/21
14/18 15/6 15/11 15/24 20/23 21/10
22/7
Japanese [8] 1/6 1/10 4/11 4/14 23/3
23/5 23/6 23/8
Japanese-language [2] 23/3 23/8
JEFFREY [1] 2/8
jeffrey.wexler [1] 2/11
JOHN [2] 2/14 3/5
JR [1] 1/4
judge [2] 1/4 30/7
Judicial [1] 33/8
July [1] 6/13
July 10th [1] 6/13
June [2] 8/16 10/16
June 1995 [1] 8/16
Jury [1] 1/19
just [11] 5/21 6/22 15/2 17/3 20/20
21/2 25/23 26/24 29/17 31/3 32/6

K

Kazuo [12] 4/16 8/24 10/21 11/5 11/7
11/20 12/19 13/18 13/20 14/21 32/11
32/15
Kazuo Tsuburaya [3] 4/16 8/24 32/15
Kazuo's [3] 11/9 11/11 13/1
Ken [3] 6/22 17/5 20/15
kept [1] 12/8
key [1] 29/9
kids [2] 6/9 6/10
kind [3] 10/13 26/25 27/1
kinds [1] 5/12
knew [5] 18/3 21/1 21/20 28/15 28/15
know [25] 6/9 6/11 16/10 18/10 18/11
22/14 24/18 24/24 26/14 26/21 26/25
28/6 28/9 28/12 28/18 28/25 29/4 29/6
29/13 30/20 31/9 31/10 31/12 31/14
31/22
knowing [1] 28/8
known [5] 4/20 5/6 13/3 26/19 27/4

L

lack [1] 27/23
ladies [4] 3/4 3/21 11/25 16/6
language [7] 8/2 23/3 23/8 23/12
23/13 23/17 24/16
last [7] 5/21 6/16 9/14 24/23 29/20
29/23 32/4
later [1] 20/22
LAW [7] 2/4 2/8 2/8 2/14 2/15 2/15
2/16
lawsuit [3] 30/2 30/8 30/9
lawsuits [1] 13/25
learn [2] 9/17 16/4
learned [1] 25/24
leave [1] 11/13
left [3] 26/17 27/3 27/3
left-hand [3] 26/17 27/3 27/3
legendary [1] 4/14
legitimate [1] 32/8
less [1] 27/21

Case 2:15-cv-03764-AB-AJJ Document 271 Filed 11/21/17 Page 14 of 17 Page ID
#6255

L
let [3] 4/9 9/8 11/14
let's [2] 16/17 21/16
letter [17] 13/14 13/18 14/2 14/5 14/7
14/9 14/11 14/12 14/15 14/15 14/17
14/22 14/23 15/9 15/13 16/1 17/24
letterhead [2] 29/2 29/2
license [1] 18/17
licensed [1] 7/11
licensee [1] 24/15
licensing [2] 16/25 21/15
licensor [1] 24/15
like [11] 6/1 16/16 17/10 18/17 19/8
19/13 22/22 27/1 28/25 29/1 29/2
limit [1] 24/10
listed [1] 22/4
lists [3] 21/9 21/24 24/4
litigation [1] 13/8
little [1] 5/23
live [1] 26/2
lives [2] 9/20 29/13
living [1] 19/10
Lloyd [1] 25/15
Lloyd Cunningham [1] 25/15
LLP [3] 2/3 2/7 2/14
long [1] 31/8
look [10] 16/11 17/2 20/15 21/7 23/19
25/4 25/4 25/10 28/8 29/2
looking [1] 27/2
looks [1] 22/21
Los [7] 1/17 1/23 2/10 2/17 3/1 29/17
29/18
Los Angeles [1] 29/18
lot [8] 8/3 11/17 16/21 21/8 22/14 25/2
25/7 29/2
louder [1] 16/11
LTD [1] 1/10

M
made [14] 7/20 7/21 10/4 15/3 18/12
18/13 18/18 19/20 20/3 20/3 20/3 20/4
28/3 32/13
make [11] 7/25 8/2 11/14 15/5 17/9
19/18 19/22 19/25 20/1 20/13 30/22
making [2] 16/14 16/15
man [5] 3/20 3/21 3/23 5/7 8/20
many [8] 6/7 9/24 10/12 10/14 11/17
13/7 13/7 32/12
March [1] 31/10
markets [2] 10/11 18/5
marts [1] 7/8
matter [2] 22/25 33/7
may [5] 11/2 18/15 18/18 24/25 25/25
me [5] 4/9 9/8 12/24 13/14 15/6
mean [4] 20/21 22/10 26/1 26/1
medical [1] 25/24
meet [6] 8/23 9/1 9/5 9/11 9/11 9/21
merchandise [2] 3/14 7/14
merchandising [1] 18/21
methods [1] 27/24
MICHAEL [1] 2/3
michael.chibib [1] 2/6
middle [2] 20/9 20/12
might [5] 13/1 13/4 13/24 15/4 15/4
mild [1] 11/24
Minamitani [1] 9/4
minimum [2] 27/11 27/22

minute [1] 18/9
mistakes [1] 28/3
money [4] 21/11 22/5 22/13 22/14
monsters [5] 5/13 5/14 5/25 6/2 6/7
more [1] 10/4
Morishima [1] 9/3
most [2] 25/17 27/20
mostly [2] 9/13 9/13
motion [5] 3/13 4/24 5/10 7/3 7/8
movie [19] 7/19 7/21 8/2 13/15 18/13
18/17 19/18 19/20 19/22 19/23 19/24
19/25 20/1 20/2 20/2 20/7 20/13 20/18
24/13
movies [8] 5/20 8/8 15/1 16/15 16/24
18/12 19/17 21/9
MR [7] 1/15 3/3 9/7 9/9 11/11 19/1
24/15
Mr. [113]
Mr. Cunningham [2] 26/9 28/17
Mr. Kazuo [7] 11/5 11/7 11/20 12/19
13/18 13/20 14/21
Mr. Kazuo's [2] 11/9 13/1
Mr. Minamitani [1] 9/4
Mr. Morishima [1] 9/3
Mr. Noboru [18] 10/1 10/13 10/16
10/20 11/6 11/21 12/11 15/12 15/25
16/8 17/20 19/9 19/11 21/18 26/11
29/12 30/22 32/2
Mr. Noboru Tsuburaya [2] 9/23 26/14
Mr. Noboru's [2] 10/18 24/20
Mr. Ooka [1] 9/3
Mr. Pete [12] 9/13 9/16 10/8 11/4 12/8
15/17 15/20 15/22 29/14 29/22 31/3
31/4
Mr. Pete's [2] 9/18 24/23
Mr. Sompote [51]
Mr. Sompote's [2] 18/15 24/2
Mr. Tsuburaya [2] 19/6 24/15
Mr. Tsuburaya's [1] 26/19
Mr. Wakshull [6] 27/6 27/16 27/24
28/4 28/14 28/21
Mr. Wakshull's [1] 27/7
much [5] 10/14 22/10 27/20 27/20
32/17
must [2] 25/24 27/13
my [6] 3/5 4/9 13/14 13/18 17/20 18/18

N
name [12] 3/5 9/9 9/10 9/11 9/14 21/16
21/20 21/21 21/24 24/4 24/5 31/16
named [3] 3/11 3/20 30/2
names [3] 24/6 31/16 31/17
national [1] 6/12
nationally [1] 25/15
necessarily [1] 10/24
necessary [1] 26/6
need [4] 13/12 13/13 13/17 20/25
needed [2] 14/2 16/2
needs [1] 20/13
never [16] 12/7 15/8 16/16 17/13 17/15
17/22 17/22 17/24 17/24 18/11 18/12
18/12 19/6 22/1 27/9 29/23
new [4] 5/18 6/10 8/2 15/17
next [1] 30/11
no [17] 1/9 4/3 7/19 11/25 14/14 17/18
18/4 18/7 18/8 18/21 18/21 18/22
21/10 21/25 22/5 28/23 33/17

No. [1] 11/16
nobody [1] 14/10
Noboru [28] 4/16 8/17 9/23 10/1 10/13
10/16 10/20 11/6 11/11 11/21 12/11
15/12 15/25 16/8 17/20 19/9 19/11
21/18 22/22 23/11 23/18 26/11 26/14
29/12 30/22 32/2 32/8 32/14
Noboru Tsuburaya [4] 4/16 8/17
22/22 23/11
Noboru's [3] 8/24 10/18 24/20
not [33] 9/21 10/2 11/14 12/9 13/14
13/20 14/9 14/23 15/1 17/20 18/19
18/20 19/3 19/9 19/12 19/13 20/2
22/13 23/10 23/17 24/19 24/22 26/6
26/13 28/3 28/22 29/25 30/14 30/16
30/17 32/8 32/8 32/16
nothing [4] 18/22 22/11 22/19 22/20
November [3] 1/18 3/1 33/11
now [10] 5/5 6/16 10/12 13/20 16/4
17/12 17/16 22/12 24/25 29/25

O
object [1] 30/20
objected [2] 17/22 18/11
objecting [2] 17/15 18/8
observed [1] 6/13
obviously [1] 30/4
occasion [1] 11/19
off [2] 26/22 26/24
offered [1] 28/2
office [1] 11/9
offices [1] 11/3
Official [2] 1/21 33/17
often [1] 11/17
Okay [1] 13/11
old [10] 6/10 8/19 10/18 10/20 11/7
13/21 13/21 14/10 15/8 25/5
on [43]
once [1] 14/16
one [26] 4/22 5/21 7/19 7/22 8/10 9/6
9/25 11/25 12/11 13/11 13/12 14/18
15/7 15/21 18/13 18/13 20/20 21/16
22/6 24/13 24/13 25/13 25/17 29/23
31/6 32/10
one-page [6] 9/6 14/18 15/7 22/6 31/6
32/10
ones [2] 6/10 6/10
online [1] 27/17
only [8] 8/19 11/1 14/23 19/10 19/12
24/8 28/22 32/9
Ooka [1] 9/3
oOo [2] 3/2 32/20
OPENING [2] 1/15 3/3
opinion [1] 29/5
opinions [5] 26/7 26/7 27/8 27/25 28/2
opportunity [2] 6/5 30/5
opposing [2] 4/3 9/18
opposite [2] 19/14 23/1
or [19] 5/7 12/23 13/8 14/15 18/13
18/17 18/22 19/7 25/6 27/1 27/17
28/10 28/23 29/1 29/2 31/15 31/17
31/18 31/19
order [3] 14/2 16/2 23/24
original [16] 5/17 15/2 24/22 25/1 25/2
25/8 28/23 29/5 29/6 29/7 29/8 29/21
29/22 30/23 31/14 31/21
originally [1] 28/2

Q
other [15] 7/16 9/1 10/7 13/12 15/7
 16/8 21/13 22/2 26/10 26/11 27/5
 28/17 31/4 31/19 31/23
our [12] 4/3 4/4 8/11 9/1 11/25 12/2
 13/5 14/11 15/3 15/9 17/25 18/6
out [4] 5/18 5/21 5/21 25/6
outside [12] 4/4 7/6 8/9 11/23 12/21
 14/17 15/6 15/11 15/24 20/23 21/10
 22/7
over [10] 3/15 4/13 6/1 6/24 7/1 7/3
 7/17 10/1 15/10 16/24
overwhelming [1] 32/6
owed [4] 22/14 22/17 22/20 31/13
own [16] 3/24 8/7 8/7 8/8 8/9 15/4 18/2
 18/9 19/6 20/7 20/25 21/1 26/21 28/19
 32/3 32/5
owned [7] 15/19 16/14 16/17 18/11
 20/10 20/22 32/12
owner [1] 19/24
owners [1] 20/4
ownership [3] 8/14 22/7 32/8

P

P.M [2] 1/18 3/1
page [9] 1/19 9/6 14/18 15/7 20/17
 22/6 31/6 32/10 33/7
paid [4] 19/24 20/19 20/23 23/24
paper [18] 3/8 3/10 3/17 3/18 8/10
 11/10 11/20 12/18 14/10 14/19 17/13
 18/21 20/10 21/17 25/4 26/13 32/3
 32/7
part [1] 6/18
parties [2] 16/12 24/14
parties' [2] 16/6 21/3
parts [1] 20/6
party [7] 4/3 9/18 16/8 28/6 28/7 28/9
 30/3
passed [4] 12/12 17/21 29/12 32/2
passes [1] 16/9
past [2] 9/1 13/22
PAT [4] 1/21 33/3 33/16 33/17
patcuneo1600 [1] 1/24
pay [4] 10/18 20/8 22/11 22/13
paying [1] 28/12
payment [2] 24/11 24/12
people [5] 12/16 13/15 26/21 31/4
 31/24
per [2] 27/15 27/21
Perasit [1] 9/9
period [11] 11/2 16/7 16/12 16/23
 17/19 18/23 19/2 19/12 19/16 20/9
 21/4
person [5] 18/25 19/13 20/21 28/12
 29/20
personalities [1] 5/24
Pete [14] 9/13 9/16 10/8 11/4 12/8
 15/17 15/20 15/22 18/15 18/23 29/14
 29/22 31/3 31/4
Pete's [3] 9/15 9/18 24/23
phone [1] 17/23
photocopy [6] 3/8 3/10 8/10 24/20
 25/11 31/6
photographs [1] 30/13
picked [1] 17/23
pictures [5] 3/13 4/25 5/10 7/3 7/8
piece [16] 3/8 3/10 3/17 3/18 8/10

11/10 11/20 12/18 14/10 14/18 17/13
 18/20 20/10 21/17 26/15 32/7
PILLSBURY [2] 2/3 2/7
pillsburylaw.com [3] 2/6 2/11 2/11
PITTMAN [2] 2/3 2/7
places [1] 21/23
plaintiff [3] 1/7 2/2 3/6
planet [2] 5/9 5/11
play [1] 6/22
played [1] 6/23
please [1] 13/18
point [2] 10/25 14/14
popular [1] 5/6
POSNER [1] 2/15
possession [1] 29/21
powers [1] 5/24
practices [1] 27/24
precisely [1] 19/14
preeminent [1] 25/17
prepared [1] 10/24
preparing [1] 21/21
present [2] 9/2 25/12
president [6] 4/19 8/16 10/21 10/25
 11/1 21/19
PRESIDING [1] 1/4
press [1] 29/19
previous [1] 15/14
price [1] 31/18
prior [1] 12/5
probably [1] 27/23
procedure [1] 25/25
proceeding [1] 12/5
proceedings [2] 32/18 33/6
produced [2] 9/6 29/11
produces [1] 4/11
producing [1] 10/6
product [3] 8/11 17/15 18/6
production [2] 18/21 23/20
PRODUCTIONS [19] 1/10 3/6 3/15
 4/10 4/11 7/3 7/7 7/16 7/20 7/24 8/2
 8/9 11/23 12/14 13/13 21/14 22/13
 32/13 32/16
products [3] 7/12 16/15 32/5
professional [1] 25/21
program [1] 7/21
promoting [5] 7/5 7/9 8/4 18/6 18/11
pronouncing [1] 9/14
proof [1] 16/6
properties [1] 21/10
prove [3] 3/18 4/2 4/6
proves [3] 22/23 23/1 23/1
provided [1] 3/25
providing [1] 31/1
public [1] 18/7
publicly [1] 17/14
pull [1] 17/5
purported [1] 3/19
purports [3] 21/9 22/6 25/8
pursuant [2] 32/10 33/4
put [1] 21/21
putting [1] 23/16

Q

qualifications [1] 25/20
qualified [2] 27/12 27/14
questioned [1] 26/18
questions [1] 30/6

R

RAWSON [1] 2/8
reach [2] 21/6 28/7
reached [1] 28/19
reaction [1] 13/1
real [6] 3/9 9/18 22/10 26/22 28/10
 31/6
realized [1] 20/6
really [3] 8/4 28/23 29/4
reason [1] 24/18
recap [1] 15/25
received [1] 27/9
recognized [1] 25/15
recognizing [2] 13/14 14/9
recreated [1] 6/20
reedited [1] 19/18
refer [1] 9/13
references [1] 11/17
referred [5] 3/8 4/10 10/11 11/18
 31/19
refused [2] 3/23 9/21
regarding [1] 19/1
regulations [1] 33/8
relating [2] 20/23 22/8
relationship [1] 13/21
reliable [1] 27/8
remember [2] 22/6 23/24
render [1] 27/24
reported [1] 33/6
Reporter [2] 1/21 33/17
REPORTER'S [1] 1/15
represent [1] 3/6
reputation [3] 14/3 15/10 16/2
request [1] 15/9
requested [1] 32/18
required [2] 27/11 27/21
resources [2] 7/4 7/5
respects [1] 10/18
restore [5] 13/18 14/2 14/12 15/10
 16/2
restricted [1] 24/8
result [2] 13/9 27/23
retained [2] 28/6 28/9
reviewed [1] 26/9
right [6] 4/7 12/22 20/18 21/21 24/6
 26/19
right-hand [1] 26/19
rights [37]
Room [1] 1/23
royalties [1] 17/25
RYAN [1] 2/15
ryangoldstein [1] 2/19

S

Saengduenchai [3] 9/10 9/10 9/19
said [19] 11/6 11/20 12/13 12/19 12/24
 13/17 13/23 14/2 14/8 14/20 15/5
 15/18 16/1 17/19 17/23 18/25 19/10
 28/5 32/3
sales [1] 17/25
same [2] 5/8 5/11
say [10] 3/10 11/24 18/18 22/9 22/10
 24/23 28/25 29/4 29/6 29/10

S Case 2:15-cv-03764-AB-AJW Document 271 Filed 11/21/17 Page 16 of 17 Page ID #:6257

saying [1] 18/8
says [8] 11/11 12/7 14/11 15/22 17/16 20/10 22/17 24/9
SCHENKKAN [1] 2/16
scores [1] 17/1
screen [16] 5/1 5/2 6/3 11/15 14/4 14/6 17/6 20/16 23/4 23/6 23/15 23/22 25/19 25/21 26/16 30/12
screening [1] 24/8
seal [11] 22/22 22/23 23/1 23/3 23/5 23/9 23/17 24/17 28/25 29/1 29/2
second [1] 20/1
secret [2] 18/4 18/7
Section [1] 33/4
see [18] 5/13 6/5 11/17 12/4 14/5 14/6 18/6 18/19 18/20 22/18 22/21 25/2 25/5 25/5 25/20 27/2 29/8 29/9
seeing [2] 21/8 26/7
seen [3] 12/1 14/11 29/22
selling [2] 17/14 30/21
sense [1] 4/13
sent [1] 17/24
series [6] 5/3 5/18 6/2 6/20 7/9 16/23
serve [1] 14/12
served [2] 30/8 30/14
service [1] 30/10
seven [2] 5/17 21/9
several [2] 9/1 9/24
SHAW [2] 2/3 2/7
short [2] 6/17 11/2
show [8] 6/17 16/13 24/20 24/22 30/11 30/14 30/24 31/21
showed [4] 11/3 11/13 12/6 32/2
showing [2] 7/13 12/9
shown [5] 12/7 15/8 16/24 17/13 19/15
shows [8] 3/9 4/12 4/25 5/10 5/20 6/7 16/9 21/9
side [6] 26/17 26/19 27/3 27/3 27/5 28/19
sign [1] 14/21
signature [20] 22/22 23/1 23/10 23/12 23/14 23/17 24/19 24/20 26/9 26/13 26/18 26/20 26/22 26/24 27/3 28/8 28/10 28/10 28/16 28/18
signatures [4] 24/17 25/14 26/10 27/4
signed [6] 11/11 14/1 16/9 19/11 20/17 24/14
simply [1] 30/14
since [2] 5/21 15/3
single [6] 7/21 7/22 8/10 18/19 18/20 18/25
sitting [1] 8/24
slide [3] 17/2 23/25 30/11
so [17] 3/23 4/8 13/6 13/15 14/1 18/10 20/6 20/21 22/15 26/5 30/6 30/7 30/16 31/3 32/6 32/12 32/13
sold [2] 7/9 7/15
sole [1] 20/4
some [12] 5/13 7/12 17/3 18/5 18/15 18/18 19/22 23/13 25/20 26/14 28/2 30/13
somebody [2] 18/1 19/9
somebody's [1] 26/23
Someone [1] 9/5
something [4] 6/1 19/15 23/18 24/11

sometimes [2] 3/8 4/10
somewhat [1] 10/17
Sompote [60]
Sompote Saengduenchai [1] 9/19
Sompote's [2] 18/15 24/2
son [16] 4/15 8/17 8/24 9/9 9/11 9/13 10/8 10/20 11/4 12/8 15/16 15/19 15/20 18/15 21/18 32/14
songs [1] 6/11
sorry [1] 14/8
South [2] 2/9 2/16
speak [1] 16/10
specific [1] 24/9
specifies [1] 24/7
Spider [1] 5/7
Spider-Man [1] 5/7
standard [1] 27/11
standards [1] 27/22
started [2] 15/16 30/2
stated [1] 21/11
STATEMENT [2] 1/15 3/3
STATES [7] 1/1 5/7 8/4 8/12 25/18 33/4 33/9
stenographically [1] 33/6
still [7] 10/2 26/6 29/13 29/14 29/16 32/12 32/15
Stop [2] 17/19 18/8
story [3] 11/5 11/6 31/23
Street [4] 1/22 1/22 2/9 2/16
struggling [1] 13/2
studios [1] 8/1
submit [1] 24/25
submitting [1] 3/22
success [1] 8/22
such [2] 21/25 22/1
Suite [2] 2/5 2/9
SULLIVAN [1] 2/14
superhero [1] 3/11
Superman [1] 5/7
supportable [1] 28/3
supposed [1] 19/19
supposedly [4] 12/11 12/20 31/12 31/13
surfaced [1] 3/20
surprised [1] 11/24

T
table [1] 8/25
take [2] 15/10 20/15
taken [3] 12/5 26/5 30/13
talk [7] 9/2 16/17 18/15 21/16 26/1 26/3 31/5
talked [1] 16/19
Taro [1] 5/18
technology [1] 6/25
television [7] 3/12 4/12 4/25 5/3 6/15 7/21 16/23
tell [10] 4/9 9/8 10/24 14/15 15/22 25/23 28/18 31/9 31/10 31/23
telling [1] 32/1
Tennessee [1] 27/18
term [1] 31/18
terms [6] 10/2 22/5 24/11 24/12 31/16 31/19
territory [1] 24/9
test [1] 25/8
testify [3] 4/18 26/2 26/4

testimony [5] 12/4 12/4 18/5 24/24 26/5
Texas [1] 2/5
text [1] 14/7
Thai [1] 9/10
Thailand [20] 3/21 9/21 10/3 10/4 10/6 10/10 11/3 12/14 12/23 13/3 13/4 13/15 13/23 14/3 14/13 24/9 29/13 30/9 30/14 31/1
than [4] 10/4 16/11 27/4 27/21
Thank [1] 32/17
that [184]
that's [8] 7/14 12/24 23/6 24/25 24/25 25/14 28/11 30/10
theater [1] 24/8
theatrical [2] 3/13 15/1
their [3] 13/21 14/14 26/21
them [10] 3/11 7/12 11/23 15/20 19/18 25/13 28/7 28/9 28/9 31/13
theme [3] 5/9 5/9 6/11
then [2] 10/16 28/11
there [26] 5/15 6/1 6/12 7/19 12/1 12/4 17/18 18/3 18/6 18/7 21/25 22/2 22/5 22/11 22/19 22/20 25/1 25/21 27/10 31/8 31/15 31/18 31/18 31/18 31/19 31/24
there's [11] 8/3 13/12 16/10 22/3 22/19 22/19 23/9 23/10 24/5 25/7 28/23
therefore [1] 24/16
these [18] 5/13 5/20 6/7 6/9 7/5 7/13 10/10 16/20 17/17 18/5 19/8 19/9 19/13 21/10 22/11 30/19 31/15 31/19
they [45]
they'll [2] 25/12 31/11
they're [2] 31/23 31/25
thing [8] 13/2 13/11 13/12 13/24 21/16 28/4 28/11 31/7
things [11] 11/6 14/25 17/25 18/16 19/8 24/2 25/2 25/7 25/11 28/25 29/1
think [6] 6/13 10/24 21/2 21/18 27/2 31/5
this [106]
those [14] 7/2 13/5 14/24 14/25 16/5 16/13 16/16 16/17 16/18 16/21 17/20 18/17 25/11 31/18
though [3] 12/20 15/14 30/1
thought [3] 13/4 13/6 13/22
thousands [1] 7/22
three [1] 20/17
three-page [1] 20/17
through [5] 1/19 8/20 9/17 31/23 31/24
tim.rawson [1] 2/11
time [27] 5/19 6/24 7/4 7/5 8/19 9/14 10/1 10/23 11/2 12/10 14/20 15/15 16/3 16/13 17/14 17/18 18/8 20/22 21/20 24/10 27/13 27/16 27/20 29/3 30/21 31/8 31/24
times [1] 16/14
TIMOTHY [1] 2/8
title [3] 8/13 13/9 33/4
titles [2] 17/4 22/3
today [1] 4/17
together [3] 9/24 13/13 19/18
Tokyo [2] 11/3 32/2
told [10] 10/12 10/16 11/5 11/19 12/19

T
told... [5] 13/10 13/11 14/25 23/24 29/22
tomorrow [1] 25/25
took [2] 19/17 27/20
toys [3] 7/11 18/18 18/22
TPC [3] 4/10 8/16 16/19
TPC's [2] 11/3 16/17
trace [1] 27/1
trainer [1] 27/14
training [4] 27/9 27/11 27/16 27/23
transcript [3] 1/15 33/5 33/7
transfer [1] 32/8
transferred [1] 24/8
tremendous [1] 8/18
trial [7] 1/19 3/23 4/17 9/3 9/5 9/16 29/15
true [1] 33/5
truth [2] 22/25 32/1
try [1] 30/1
TSUBURAYA [39]
Tsuburaya's [3] 8/17 26/19 32/11
Tuesday [2] 1/18 3/1
TV [8] 5/10 7/2 7/9 8/8 15/1 18/13 18/13 21/9
two [5] 3/13 19/17 21/9 21/23 27/13
type [1] 7/14

U

U.S [3] 4/5 4/7 12/15
Ultra [2] 5/17 5/17
Ultracom [1] 12/15
Ultraman [80]
Ultraman's [1] 6/16
UM [2] 1/6 3/7
UMC [11] 3/8 4/3 4/6 9/16 15/21 15/23 28/15 28/15 29/20 29/22 30/1
under [5] 12/17 14/10 19/3 27/13 27/21
understatement [1] 11/25
undisputed [1] 19/5
unexpectedly [2] 8/17 10/17
unfortunately [1] 25/23
UNITED [7] 1/1 5/7 8/4 8/12 25/18 33/4 33/9
unlike [1] 24/6
unlimited [1] 22/7
unreliable [1] 27/25
until [3] 17/20 19/9 30/22
up [6] 11/3 16/9 17/5 17/23 30/15 32/2
updated [1] 19/20
URQUHART [1] 2/14
us [25] 7/20 8/15 8/25 11/13 11/14 11/14 12/7 13/11 14/15 15/13 16/1 17/18 17/24 18/6 18/14 19/25 20/3 20/7 20/8 20/12 20/19 20/23 21/1 29/22 31/10
use [7] 19/3 20/6 20/18 20/19 20/24 22/7 23/25
used [6] 19/22 20/1 23/2 23/6 23/12 27/24
using [2] 23/13 29/3

V

valuable [2] 4/4 7/17
variety [1] 5/12
various [1] 23/7

version [1] 19/20
very [14] 4/20 5/5 7/17 13/3 13/24 15/24 16/3 17/9 17/10 18/7 21/12 27/4 27/4 32/17
video [3] 6/17 6/18 18/17
videotape [1] 6/23
videotaped [2] 26/5 26/8
view [1] 15/22
vocal [1] 25/25

W

Wait [2] 17/19 18/9
Wakshull [6] 27/6 27/16 27/24 28/4 28/14 28/21
Wakshull's [1] 27/7
want [6] 12/24 13/8 13/20 13/24 28/13 30/10
wanted [5] 12/22 22/15 28/15 28/15 30/5
wants [3] 20/6 28/7 28/9
was [56]
wasn't [1] 12/1
way [8] 11/7 11/11 16/19 19/14 21/6 28/18 28/23 32/3
we [81]
We'll [2] 9/13 9/20
we're [7] 7/13 13/12 14/8 18/7 20/4 26/3 26/3
We've [2] 7/12 7/14
well [4] 4/20 5/6 13/3 28/14
well-known [2] 4/20 5/6
went [1] 30/18
were [22] 6/20 9/23 10/2 11/24 13/2 15/18 16/14 16/15 16/24 17/10 17/14 17/16 17/22 18/3 18/10 18/24 22/10 22/14 28/3 28/19 30/13 30/21
weren't [2] 31/8 31/24
West [2] 8/4 8/12
WESTERN [1] 1/3
WEXLER [1] 2/8
what [22] 5/2 9/17 13/10 14/16 15/18 16/12 17/12 17/15 20/21 20/25 22/9 22/21 24/7 25/8 27/16 28/6 28/12 28/15 29/10 30/7 30/17 31/9
what's [1] 8/13
when [11] 6/14 10/20 11/2 11/7 11/9 17/18 21/7 21/14 23/11 25/1 32/1
where [8] 7/8 16/7 18/23 20/10 24/24 29/6 30/23 31/22
whether [3] 25/8 27/7 28/8
which [18] 3/25 4/15 6/13 12/16 13/9 13/9 14/10 15/9 15/19 16/1 17/13 19/10 25/11 26/1 28/18 28/18 31/12 31/13
who [25] 3/21 3/23 4/16 8/20 8/24 9/2 9/5 9/6 9/11 12/11 12/11 16/8 16/8 16/12 18/25 19/9 19/13 20/21 25/15 28/9 29/14 29/21 29/23 31/4 31/24
why [9] 17/23 26/12 30/18 30/20 31/5 31/15 31/17 31/18 31/19
will [34]
willing [1] 13/16
WINTHROP [2] 2/3 2/7
withdraw [1] 28/1
without [3] 4/7 27/19 28/8
witness [1] 19/10
witnesses [2] 25/10 25/13

won't [15] 9/5 9/11 9/12 18/25 22/18 26/1 29/6 29/8 29/9 29/10 29/25 30/18 30/23 30/24 30/24
word [1] 22/9
words [3] 7/16 15/7 16/11
work [3] 7/4 10/9 13/16
worked [2] 9/24 31/4
working [3] 15/16 28/22 32/4
works [20] 4/4 4/7 5/15 7/5 7/25 11/22 12/21 14/25 15/2 15/3 15/4 15/14 16/20 17/9 17/15 22/4 24/6 29/18 31/17 31/17
world [10] 7/6 7/8 7/25 12/21 14/18 16/15 16/21 16/24 17/1 18/3
worldwide [5] 3/11 16/3 17/11 19/13 30/19
would [13] 7/7 11/14 13/9 13/15 14/12 14/20 18/1 18/5 18/6 20/22 22/9 22/11 26/12
wouldn't [1] 11/13
write [4] 13/14 13/18 13/19 26/21
writing [1] 27/1
written [2] 11/10 26/14
www.patcuneo.com [1] 1/25

Y

year [14] 5/21 6/16 10/20 11/7 14/10 15/8 16/7 16/12 17/19 18/23 19/12 21/4 27/15 27/21
years [29] 3/15 3/25 4/13 6/24 7/2 7/17 8/19 9/24 10/12 10/14 11/12 11/21 12/8 13/7 15/14 16/18 16/21 17/7 18/17 19/21 20/19 24/10 25/21 27/13 29/11 29/23 30/18 32/4 32/12
you [87]
you'll [17] 4/17 6/5 9/1 9/16 9/17 9/21 11/16 11/17 12/4 14/6 19/2 21/6 23/16 23/19 24/18 26/6 31/3
you're [15] 5/13 8/14 8/23 16/4 18/4 18/19 18/20 21/8 21/12 22/3 26/23 26/23 27/7 27/10 30/16
you've [2] 3/5 32/4
your [2] 14/12 32/17

Z

ZACK [1] 2/16
zackschenkkan [1] 2/19
Zoffy [5] 20/2 20/18 20/24 23/23 23/25